

Virginia Title V Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-305 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	CNG Transmission Corporation
Facility Name:	Leesburg Station
Facility Location:	40620 Consolidated Lane Leesburg, Virginia
Registration Number:	71978
Permit Number:	NVRO71978

May 09, 2000
Effective Date

May 09, 2005
Expiration Date

Dennis H. Treacy
Director, Department of Environmental Quality

Signature Date

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Permit Conditions, 22 pages

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I. Facility Information

Permittee

CNG Transmission Corporation
445 West Main Street
Clarksburg, West Virginia 26302-2450

Responsible Official

C. Bart Roberts
Manager, Environmental Services

Facility

Leesburg Station
40620 Consolidated Lane
Leesburg, Virginia 20175

Contact person

Sam Mathew
Engineer
(412) 690-1805

AIRS Identification Number: 51-107-0101

Facility Description: SIC Code 4922 - The Leesburg Station is a natural gas transmission facility. Natural gas is received via pipelines from an upstream compression station, compressed, and pumped into outlet pipelines for transmission downstream. The Leesburg facility utilizes two (2) natural gas-fired stationary reciprocating internal combustion engines, each rated at 3,010 horsepower (HP), to drive the natural gas compressors. The engines are each equipped with an oxidation catalyst to control carbon monoxide emissions. Auxiliary equipment at the facility includes one natural gas-fired boiler rated at 2.75 x MMBtu/hr, and one natural gas-fired generator rated at 550 HP.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant Controlled	Applicable Permit Date
Internal Combustion Engines							
EN01	S01	Dresser Rand Model TLAD8 natural gas-fired IC compressor engine (constructed 1992)	3,010 horsepower	Johnson Matthey LHC Catalyst (constructed 1993)	C01	CO	01/21/2000
EN02	S02	Dresser Rand Model TLAD8 natural gas-fired IC compressor engine (constructed 1992)	3,010 horsepower	Johnson Matthey LHC Catalyst (constructed 1993)	C02	CO	01/21/2000
AUX01	S03	Caterpillar Model 3508 natural gas-fired Auxiliary Generator (constructed 1992)	550 horsepower	---	---	---	01/21/2000
Fuel Burning Equipment							
B01	S04	Ajax Model WGFD-2750 natural gas-fired boiler (constructed 1992)	2.75 MMBtu/hr	---	---	---	01/21/2000

III. Internal Combustion Compressor Engine Requirements - (Emission Units EN01 and EN02)

A. Limitations

1. Carbon monoxide (CO) emissions from the compressor engines shall be controlled by oxidation catalyst. The catalyst on each unit shall be provided with adequate access for inspection when the respective engines are not operating.
(9 VAC 5-50-260, 9 VAC 5-80-10 H and Condition 3 of 01/21/2000 Permit)
2. The approved fuel for the two compressor engines is natural gas. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-170-160, 9 VAC 5-80-110 and Condition 4 of 01/21/2000 Permit)
3. The two compressor engines shall in combination consume no more than 380 million cubic feet of natural gas per year, calculated monthly for the latest 12 consecutive months period.
(9 VAC 5-170-160, 9 VAC 5-80-110, and Condition 6 of 01/21/2000 Permit)

4. Emissions from the operation of each compressor engine shall not exceed the limits specified below:

Nitrogen Oxides (as NO ₂)	1.50 g/bhp-hr ^{1,2}	10.0 lbs/hr ^{1,2}	44 tons/yr	(9 VAC 5-50-260)
Carbon Monoxide	1.63 g/bhp-hr ^{1,2}	10.8 lbs/hr ^{1,2}	48 tons/yr	(9 VAC 5-50-260)
Volatile Organic Compounds	0.46 g/bhp-hr ^{1,2}	3.0 lbs/hr ^{1,2}	14 tons/yr	(9 VAC 5-50-260)
Formaldehyde		1.1 lbs/hr ²	4.7 tons/yr	(9 VAC 5-50-260)

¹ The gram per brake horsepower-hour (g/bhp-hr) limit only applies while the engine is operating at 95 percent, or greater, of the rated horsepower. The pound per hour mass emission rate limit applies at all times.

² Based upon the average of three, 1-hour test runs.

Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period using the actual engine operating hours, the rated engine horsepower output capacity, and DEQ approved pollutant-specific emission factors and equations.

(9 VAC 5-50-260, 9 VAC 5-80-110, and Condition 10 of 01/21/2000 Permit)

5. Visible emissions from each of the compressor engines shall not exceed 5 percent opacity.
(9 VAC 5-50-260, 9 VAC 5-80-110 and Condition 13 of 01/21/2000 Permit)

6. The permittee shall have available written operating procedures for the related air pollution control equipment. Operators shall be trained in the proper operation of all such equipment and shall be familiar with the written operating procedures. These procedures shall be based on the manufacturer's recommendations, at minimum.
(9 VAC 5-170-160, 9 VAC 5-80-110 and Condition 19 of 01/21/2000 Permit)

B. Monitoring and Recordkeeping

1. In order to minimize the duration and frequency of excess emissions, including visible emissions, due to malfunctions of process equipment or air pollution control equipment, the permittee shall:
 - a. Develop an inspection and maintenance schedule and maintain records of all scheduled and non-scheduled maintenance. These records shall include a means to demonstrate that the catalyst remains effective and shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.
 - b. Maintain an inventory of spare parts that are needed to minimize durations of air pollution control equipment breakdown.

(9 VAC 5-170-160, 9 VAC 5-80-110, and Condition 18 of 01/21/2000 Permit)

2. As a component of the periodic monitoring plan, the permittee shall monitor the temperature change and pressure drop across the oxidation catalyst for each engine. Observations of temperature change and pressure drop across the oxidation catalyst for each engine shall be recorded at least once each month while the respective engine is operating, and while the facility is manned. The temperature change and pressure drop across the oxidation catalyst shall be within acceptable indicator ranges to be established by the permittee. These indicator ranges shall be established by the permittee using procedures approved in advance by the Air Compliance Manager, Northern Virginia Regional Office. The temperature change and pressure drop indicator ranges shall be established by the permittee within 30 days after the first semi-annual periodic monitoring test as required by Condition III.B.4. The permittee shall submit a report to the Air Compliance Manager, Northern Virginia Regional Office, documenting the establishment of the indicator ranges within 30 days after completing the first semi-annual periodic monitoring test. A copy of this report shall be maintained on the premises for which the permit has been issued.

(9 VAC 5-80-110 E)

3. If either the temperature change or pressure drop readings established pursuant to Condition III.B.2 above indicate an excursion outside of the established acceptable ranges, the permittee shall:
 - a. Verify that the oxidation catalyst system(s) is operating according to manufacturer's specifications, or other site-specific acceptable operating conditions. If the control device is not operating properly, the permittee shall take corrective action immediately

to rectify the excursion. The permittee shall measure the temperature change and pressure drop across the oxidation catalyst after taking corrective action to document that the control system is operating properly.

- b. If the corrective action in Condition 3.a. above does not rectify the monitoring parameter excursion, the permittee shall measure CO emissions to determine if the emissions are in compliance with the applicable emission limits. Compliance testing for CO emissions shall be conducted in accordance with approved EPA reference methods as presented in Condition III.C.2 of this permit, or other procedures approved in advance by the Air Compliance Manager, Northern Virginia Regional Office.

(9 VAC 5-80-110 E)

4. As a component of the periodic monitoring plan, the permittee shall measure the emissions of nitrogen oxides (NO_x), CO, VOC, and oxygen (O₂) in the exhaust gas stream from each engine at least once every 6-month period beginning with the issuance date of this permit. NO_x emissions shall represent the combined measured emissions of NO and NO₂, and shall be reported collectively as NO₂. Emissions shall be reported in appropriate units to demonstrate compliance with the emission limits established in Section III.A of this permit. The testing shall be conducted using test methods and procedures approved in advance by DEQ. The details of the tests are to be arranged with the Air Compliance Manager, Northern Virginia Regional Office.

(9 VAC 5-80-110 E)

5. The permittee shall document all process parameters necessary to determine engine performance with respect to the emission limits and standards of this permit during the periodic emissions testing on each engine conducted in accordance with Condition III.B.4. At a minimum, the following process parameters shall be monitored and recorded for each test:
 - a. the work performed by the engine tested, measured or reported in Hp-hrs;
 - b. the average exhaust gas volumetric flowrate per stack;
 - c. the amount of fuel consumed by the engine during the emissions measurement;
 - d. other information necessary to determine emission factors for the engine;
 - e. actual duration of the measurement.

(9 VAC 5-80-110 E)

6. As determined in accordance with Conditions III.B.4, if the measured emission rate of NO_x or CO exceeds the emission standard for the respective pollutant, the permittee shall:
 - a. Verify that the engine(s) is operating according to manufacturer's specifications, or other predetermined site-specific acceptable operating conditions. If an engine is not operating properly, the permittee shall take corrective action immediately to reduce

emissions to or below the emission standard. The permittee shall document pollutant emission rates within one week of applying corrective action to an engine by measuring the concentration of pollutant(s) in the engine exhaust gases. The measurement shall be conducted in accordance with procedures in Condition III.B.4 of this permit, or other procedures approved in advance by the Air Compliance Manager, Northern Virginia Regional Office.

- b. If the corrective action in Condition III.B.6.a above does not rectify the emission excursion, the permittee shall conduct a compliance test for the specific pollutant(s) of concern within 30 days of completing the corrective action on the engine. The compliance testing shall be conducted in accordance with approved EPA reference methods as presented in Condition III.C.2 of this permit, or other procedures approved in advance by the Air Compliance Manager, Northern Virginia Regional Office.

(9 VAC 5-80-110 E)

7. Emissions data collected in accordance with Condition III.B.4 which shows an exceedance of the applicable emission standard may be considered credible evidence of a violation this permit.

(9 VAC 5-80-110)

8. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Air Compliance Manager, Northern Virginia Regional Office. These records shall include, but are not limited to:
 - a. The consumption of natural gas by the compressor engines, calculated monthly as the sum of each consecutive 12-month period;
 - b. The actual operating hours for each engine measured on a monthly basis;
 - c. The semi-annual NO_x, CO, VOC and O₂ measurements for the engines;
 - d. A log of the temperature change and pressure drop measurements for each oxidation catalyst system to determine continued catalyst effectiveness. The log should contain, at a minimum, the date, time, and results of each measurement.
 - e. the DEQ approved, pollutant-specific emission factors and the equations used to demonstrate compliance with Condition III.A.4.

These records shall be available for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-50-50, 9 VAC 5-80-110, and Condition 14 of 01/21/2000 Permit)

9. The permittee shall maintain records of the required operator training including a statement of time, place, and nature of training. These records shall be kept on site and made available for inspection by the DEQ.

(9 VAC 5-170-160, 9 VAC 5-80-110 and Condition 19 of 01/21/2000 Permit)

C. Testing

1. At least once during the five year term of this federal operating permit, the permittee shall conduct an EPA reference method compliance test on the exhaust stack of each engine to determine the compliance status of the engines with respect to the applicable NO_x, CO, and VOC standards established in Section III.A of this permit. The compliance testing shall be conducted in accordance with the test methods described in Condition III.C.2 of this permit, or other procedures approved in advance by the Air Compliance Manager, Northern Virginia Regional Office. The details of the compliance test shall be arranged with the Air Compliance Manager, Northern Virginia Regional Office, including submission of a test protocol at least 30 days prior to the test.
(9 VAC 5-80-110)
2. Testing conducted in addition to the monitoring specified in this permit shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A unless otherwise indicated)
NO _x	EPA Method 7, 7E
CO	EPA Method 10
VOC	EPA Methods 18, 25, 25a
Visible Emissions	EPA Method 9

(9 VAC 5-80-110)

D. Reporting

1. Reporting of parameter monitoring excursions outside of the established indicator ranges for the oxidation catalyst control system(s) shall be conducted in accordance with the permit deviation reporting procedures in Conditions VII.E. In addition, two copies of the test results from any CO testing conducted as a result of an excursion outside of an indicator range for an oxidation catalyst shall be provided to the Air Compliance Manager, Northern Virginia Regional Office of the DEQ within 30 days of conducting the test.
(9 VAC 5-80-110)
2. Reporting of emission excursions above an applicable emission standard shall be conducted in accordance with the permit deviation reporting procedures in Conditions VII.E. In addition, two copies of the test results from any testing conducted as a result of an excursion above an applicable emission standard shall be provided to the Air

Compliance Manager, Northern Virginia Regional Office of the DEQ within 45 days of conducting the test.
(9 VAC 5-80-110)

3. Two (2) copies of the compliance test results from the testing required by Condition III.C.1 shall be submitted to the Air Compliance Manager, Northern Virginia Regional Office, within 45 days of completing the test.
(9 VAC 5-80-110)
4. The general requirements and procedures set forth in Section VII, Conditions C. through F. of this permit shall be followed with respect to additional reporting requirements for the internal combustion engines.
(9 VAC 5-80-110)

IV. Auxiliary Generator and Fuel Burning Equipment Requirements - (Emission Units AUX01 and B01)

A. Limitations

1. The approved fuel for boiler B01 and the auxiliary generator is natural gas. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-170-160, 9 VAC 5-80-110 and Condition 4 of 01/21/2000 Permit)
2. Boiler B01 shall consume no more than 25 million cubic feet of natural gas per year, calculated for the latest 12 consecutive months period.
(9 VAC 5-170-160, 9 VAC 5-80-110, and Condition 7 of 01/21/2000 Permit)
3. Emissions from the operation of boiler B01 shall not exceed the limits specified below:

Nitrogen Oxides (as NO ₂)	0.5 lbs/hr ¹	2.2 tons/yr	(9 VAC 5-50-260)
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¹ Based upon the average of three, 1-hour test runs.

Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period using the actual operating hours and DEQ approved pollutant-specific emission factors and equations.

(9 VAC 5-80-110 and Condition 11 of 01/21/2000 Permit)

4. The auxiliary generator shall consume no more than 960 thousand cubic feet of natural gas per year, calculated monthly for the latest 12 consecutive months period.
(9 VAC 5-170-160, 9 VAC 5-80-110, and Condition 8 of 01/21/2000 Permit)
5. The auxiliary generator shall not operate more than 250 hours per year, calculated monthly for the latest 12 consecutive months period.
(9 VAC 5-170-160, 9 VAC 5-80-110, and Condition 9 of 01/21/2000 Permit)
6. Emissions from the operation of the auxiliary generator shall not exceed the limits specified below:

Nitrogen Oxides (as NO ₂)	2.0 g/bhp-hr ¹	2.4 lbs/hr ¹	0.3 tons/yr	(9 VAC 5-50-260)
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Carbon Monoxide	----	1.8 lbs/hr ¹	0.2 tons/yr	(9 VAC 5-50-260)
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¹ Based upon the average of three, 1-hour test runs.

Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period using the actual operating hours and DEQ approved pollutant-specific emission factors and equations.

(9 VAC 5-80-110, and Condition 12 of 01/21/2000 Permit)

7. Visible emissions from boiler B01 and the auxiliary generator shall not exceed 5 percent opacity.
(9 VAC 5-170-160, 9 VAC 5-80-110 and Condition 13 of 01/21/2000 Permit)

B. Monitoring and Recordkeeping

1. In order to minimize the duration and frequency of excess emissions, including visible emissions, due to malfunctions of process equipment or air pollution control equipment, the permittee shall:
 - a. Develop an inspection and maintenance schedule and maintain records of all scheduled and non-scheduled maintenance. These records shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.

(9 VAC 5-170-160, 9 VAC 5-80-110, and Condition 18 of 01/21/2000 Permit)

2. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Air Compliance Manager, Northern Virginia Regional Office. These records shall include, but are not limited to:
 - a. The number of hours of operation of the auxiliary generator, calculated monthly as the sum of each consecutive 12-month period;
 - b. The consumption of natural gas by boiler B01 and the auxiliary generator, calculated monthly as the sum of each consecutive 12-month period.

These records shall be available for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-50-50, 9 VAC 5-80-110, and Condition 14 of 01/21/2000 Permit)

C. Testing

1. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
NOx	EPA Method 7, 7E
CO	EPA Method 10
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

V. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (5-80-720 B)	Rated Capacity (5-80-720 C)
HW01	AO Smith Model FSGL40216 hot water heater	9 VAC 5-80-720 C	---	0.04 MMBtu/hr
PW01	Zep Super Brute Model 906601 parts washer	9 VAC 5-80-720 B	VOC	---
PW02	Zep Super Brute Model 906601 parts washer	9 VAC 5-80-720 B	VOC	---
TK01	Ethylene glycol storage tank	9 VAC 5-80-720 B	VOC	5,000 gallons
TK02	Floor drain waste storage tank	9 VAC 5-80-720 B	VOC	2,000 gallons
TK03	Reclaim oil storage tank	9 VAC 5-80-720 B	VOC	2,000 gallons
TK04	Waste oil storage tank	9 VAC 5-80-720 B	VOC	2,000 gallons
TK05	Lube oil storage tank	9 VAC 5-80-720 B	VOC	8,000 gallons
TK06	Pipeline fluid storage tank	9 VAC 5-80-720 B	VOC	2,000 gallons

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of applicability
40 CFR Part 64	Compliance Assurance Monitoring	The Compliance Assurance Monitoring rule applies to pollutant-specific emission units with pre-control device emissions of regulated pollutants exceeding major source thresholds. The units must have control devices in place and applicable requirements for the subject pollutant. The rule requires sources to monitor the operation and maintenance of the control devices to ensure compliance with applicable requirements. The Leesburg Station does not have any emission units which emit pre-control device emissions above the major source thresholds.
40 CFR Part 63, Subpart B	Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j)	This subpart establishes the requirements for determining case-by-case maximum achievable control technology standards (MACT) for major sources of hazardous air pollutants which include one or more stationary sources included in a source category or subcategory for which the EPA Administrator has failed to promulgate an emission standard. The Leesburg Station is not a major source of hazardous air pollutants.
40 CFR Part 82	Protection of Stratospheric Ozone	The Leesburg Station does not use any ozone depleting substances regulated by the subject rule.

Nothing in this permit shield shall alter the provisions of § 303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to § 114 of the federal Clean Air Act, (ii) the Board pursuant to § 10.1-1314 or § 10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to § 10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable. (9 VAC 5-80-110 N)

B. Permit Expiration

This permit shall become invalid five years from the date of issuance. The permittee shall submit an application for renewal of this permit no earlier than 18 months and no later than six months prior to the date of expiration of this permit. Upon receipt of a complete and timely application for renewal, this source may continue to operate subject to final action by the DEQ on the renewal application. (9 VAC 5-80-110 D and 9 VAC 5-80-80 F)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. (9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This

report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
- b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - (1) exceedance of emissions limitations or operational restrictions;
 - (2) excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or
 - (3) failure to meet monitoring, record-keeping, or reporting requirements contained in this permit.

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to § 114(a)(3) and § 504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Northern Virginia Regional Office, within four daytime business hours of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the occurrence, the permittee shall provide a written statement explaining the problem, any corrective actions or preventive measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to general Condition VII.C.3. of this permit.

(9 VAC 5-80-110 F.2, 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the Director, Northern Virginia Regional Office, within four (4) daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within 14 days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shutdown.

(9 VAC 5-80-250)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Action for Cause

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
(9 VAC 5-80-110 G.4)
2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:
 - a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is the potential of, a resulting emissions increase;
 - b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
 - c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emission cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
 - d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
 - e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
 - f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
 - g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and by 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the board, within a reasonable time, any information that the board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H, 9 VAC 5-80-340 C.)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and
5. The prompt removal of spilled or traced dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-50)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80 Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the board of

the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. For malfunctions that occurred for one hour or more, the permittee submitted to the board by the deadlines described in **Failure/Malfunction Reporting** above, a notice and written statement containing a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notice fulfills the requirement of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The board may suspend, under such conditions and for such period of time as the board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substance subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A - F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110 except subsection N shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)